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SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND
PROTECTION OF MINORITIES

Fiftieth session

SUMMARY RECORD OF THE 16th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 13 August 1998, at 10 a.m.

Chairman: Mr. GUISSÉ

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(a) THE INTERNATIONAL ECONOMIC ORDER AND THE PROMOTION OF HUMAN RIGHTS;

(b) THE REALIZATION OF THE RIGHT TO DEVELOPMENT;

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The meeting was called to order at 10.05 a.m.

THE REALIZATION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS:

(a) THE INTERNATIONAL ECONOMIC ORDER AND THE PROMOTION OF HUMAN RIGHTS;

(b) THE REALIZATION OF THE RIGHT TO DEVELOPMENT;

(c) THE QUESTION OF TRANSNATIONAL CORPORATIONS;

(d) THE REALIZATION OF THE RIGHT TO EDUCATION, INCLUDING EDUCATION IN HUMAN RIGHTS

(agenda item 4) (continued) (E/CN.4/Sub.2/1998/6-10 and 30, E/CN.4/Sub.2/1998/NGO/5, 20, E/CN.4/Sub.2/1997/9)

1. Mr. ALFONSO MARTÍNEZ said that human rights were indivisible and interdependent and that no instrument adopted by United Nations bodies and agencies, not even the Universal Declaration of Human Rights, divided various rights into categories. All rights were equally important and all States were bound to enforce both civil and political rights and economic, social and cultural rights.

2. Time did not permit him to mention all the interesting points contained in Mr. Bengoa's report on the relationship between the enjoyment of human rights and income distribution (E/CN.4/Sub.2/1997/9 and E/CN.4/Sub.2/1998/8). Lack of time had been obvious throughout the discussion of agenda item 4 and was proof, if needed, that it would be quite impossible for the Sub-Commission to reduce the length of its session from four to two weeks as had been suggested.

3. Neoliberal globalization, which was the main theme of Mr. Bengoa's report and which had been analysed in depth by some non-governmental organizations (NGOs) in documents E/CN.4/Sub.2/1998/NGO/5 and E/CN.4/Sub.2/1998/NGO/20, was the main factor influencing the economic and social situation throughout the world. Mr. Bengoa's conclusions on the characteristics of the globalization process highlighted the adverse impact of globalization on individuals. He had analysed how the current situation had come about, from the time the process had begun in the 1980s. The consequences of the new world order were now being felt. Although it had been thought, optimistically, that the fall of the Berlin wall and the end of the cold war would resolve the world's main problems, that had not been the case: discrimination, protection of the environment and underdevelopment had remained on the agenda. The report showed that the problem of unequal distribution of income occurred in all countries, whether developing or developed. The gap between the highest and lowest income levels was the greatest in Latin America, but the developing countries were not the only ones affected by the problem. There were also glaring inequalities in income distribution in the developed countries. The President of the Chrysler Corporation, for example, earned over $6 million per year. The first steps in solving that problem must be taken at the national level and the developing States concerned must have the political will to guarantee the exercise of

economic, social and cultural rights. A way had to be found to encourage leaders, who often belonged to population segments enjoying comfortable incomes, to take the legislative and other measures necessary for a more equitable distribution of income. However, a country's economic position in the world hierarchy was also a decisive factor. It was difficult to ask States, especially third world States, to respect their obligations to enforce economic, social and cultural rights when they obviously did not have the means to do so, being themselves victims, at another level, of the inequitable distribution of wealth. In that connection, it would have been interesting for the statistics on human development published by the United Nations Development Programme to indicate to what extent standards of living were deteriorating and which countries should be given special attention.

4. Concerning the social forum proposed by Mr. Bengoa, he said that, before establishing such a body the Sub-Commission must first prove to its parent bodies that such a forum would be feasible. What was more, the diversity of tasks the forum would have to tackle might make such a project difficult to implement. The proposal should therefore be made more specific.

5. Mr. JOINET said that it was necessary to restore balance to the Sub-Commission's work, since its treatment of civil and political rights had consisted solely of the consideration of country situations. On the other hand, it had confined its work on economic, social and cultural rights, the subject of agenda item 4, to the preparation of theoretical studies. Yet specific situations should also be studied, rather than the theoretical aspect of the problem alone. As a first step towards the goal of restoring the balance, he suggested that the Sub-Commission should use Mr. Guissé's working document on the impact of the activities of transnational corporations (E/CN.4/Sub.2/1998/6) to study specific situations, with a view to combating impunity for the perpetrators of serious violations of economic, social and cultural rights, as it did with respect to serious violations of civil and political rights. To reflect that new approach, the wording of agenda item 4 should be changed to incorporate some of the wording of agenda item 2.

6. Mr. KHALIFA said that the knowledge acquired by the United Nations Centre on Transnational Corporations might be of use to the members of the future sessional working group on transnational corporations, which must at all costs be established as Mr. Guissé had proposed. While claiming to make life better, transnational corporations did nothing but enrich their senior management and shareholders. They were becoming so important that Governments might soon have to deal directly with them rather than with each other.

7. He thanked Mr. Mehedi and Mr. Guissé for their working documents on the right to education (E/CN.4/Sub.2/1998/10) and on the right of access of everyone to drinking water supply and sanitation services (E/CN.4/Sub.2/1998/7), and said he was looking forward to their first interim reports. He noted that UNESCO could be a valuable source of information concerning the right to education, including education in human rights.

8. Mr. Bengoa's report on human rights and income distribution (E/CN.4/Sub.2/1997/9 and E/CN.4/Sub.2/1998/8) contained a detailed analysis of the situation and suggested ways to provide for a more equitable distribution of income in both the developing and industrialized countries. The world was

currently moving towards laissez-faire capitalism and he referred in that connection to an article published in January 1997, in which the American billionaire George Soros criticized the excesses of the laissez-faire ideology, which led to market idolatry. Self-interest was elevated over the common good and income distribution was effectively banished. The French Prime Minister Lionel Jospin, commenting on the meeting of the Group of Seven in Denver, United States, had spoken of a certain tendency towards hegemony on the part of the United States and said that Europe, which did not have the same model of society as the United States, had always tried to preserve a balance between economics and social priorities. The theme of the 1997 World Economic Forum at Davos had been "building the network society", and for the first time the issues had not been entirely economic. Those three examples showed a growing awareness of the fact that giving precedence to market laws meant inviting income inequalities and the destruction of values which did not produce profits.

9. While certain phases of globalization could create jobs in certain sectors, globalization could also destroy local production capabilities more fitted to local conditions and needs and, in the poorest countries, destroy existing means of livelihood. Globalization was like a great spider's web with the spider quietly asking the flies to come in. Why should any one model be accepted when many people, including Americans, found that model unbearable? The countries which had heeded the call for swift market liberalization were paying a high social cost. And there was no guarantee that the process would not backfire. Ruthless privatization processes often resulted in overwhelming criminality when the old forms of deterrence disappeared and nothing was done to create new ones.

10. Proponents of the market and of downgrading the role of the State forgot that, in the United States and elsewhere, the Government had laid the foundation for capitalism to work by building infrastructures and providing health and education services. It was not prudent to weaken the role of the State. Governments were constrained by accountability, while corporations were responsible to no one except their shareholders. Globalization was destroying local social structures and cultures and the environment of the developing countries. A market economy on the loose without real democracy, without the rule of law and without checks and balances was a lost economy.

11. Mr. BENGOA said that, as the number of studies submitted under agenda item 4 revealed the importance of that topic, it was extremely important that a more appropriate forum, such as the proposed social forum, should be available for its discussion in depth. Mr. Joinet's proposal that theoretical studies on the realization of economic, social and cultural rights should be supplemented by an analysis of specific cases of violations was interesting, as it would raise a new and useful aspect of the issue. He hoped it would be possible to prepare a draft resolution to that effect.

12. Mr. EIDE, referring to the question Mr. Alfonso Martínez had raised concerning the obligation of the Governments of developing countries to ensure the realization of economic, social and cultural rights, said it would be too easy to say that their economic situation prevented them from meeting that obligation; he did, however, acknowledge the need for cooperation between developing and developed countries. He intended to ask Mr. Oloka-Onyango to

distribute to the Sub-Commission his very interesting article on African States and their responsibilities in the realization of economic, social and cultural rights.

13. He endorsed Mr. Joinet's comment on the need to prepare less theoretical studies on the question of the violation of economic, social and cultural rights, and was prepared to distribute to the Sub-Commission the Maastricht Principles of which he had spoken at the previous meeting. Mr. Khalifa's warning against a weakening of the Government's role was similar to Ms. Hampson's remarks on the need for strong and responsible Governments, which were the only ones capable of ensuring effective protection of human rights. It was true that Governments might need to make reforms, but they should not abandon their responsibilities in doing so. It was for the Sub-Commission to look into that question seriously, in particular in the proposed social forum.

14. Mr. KOTHARI (Habitat International Coalition) said that the headlong rush during the past decade to create a world where capital, goods and services were allowed unfettered freedom of movement had resulted in the creation of a comprehensive international legal regime for the benefit of trade, investment and finance. That regime was well into the process of undermining an older and more fundamental regime under which human rights had been protected. Efforts had been made through the United Nations to incorporate social justice dimensions into the economic liberalization process and to highlight the urgent need to strengthen the regulatory role of States in protecting human rights, promoting development and protecting the environment. Recent events, however, illustrated a complete disdain for human rights objectives. Nothing typified that trend more than the draft multilateral agreement on investment (MAI) currently being negotiated by the Organisation for Economic Cooperation and Development (OECD), a sort of bill of rights and freedoms for transnational corporations which brushed aside the existing obligations of States under international law.

15. The MAI, which favoured the rights of transnational investors and corporations over those of workers, consumers, communities and the environment, posed a threat to the positive measures that States had taken or might take to end the discrimination experienced by vulnerable people and communities in relation to the human rights to food, health, housing, land and work, and could considerably exacerbate pressures on the agriculture, mining, forestry and fishery sectors in the developing countries. The United Nations human rights system had only recently begun to react, with the formation in early 1998 of an International NGO Committee on Human Rights in Trade and Investment, consisting of eight NGOs. Its study of the draft MAI had revealed that the following four fundamental principles of human rights were under threat: Primacy of human rights (the promotion and protection of human rights must be accepted as the fundamental framework for and the goal of all multilateral and bilateral investment, trade and financial agreements); non-retrogression (States must take concrete steps to ensure the realization of economic, social and cultural rights and refrain from retrogressive measures that would jeopardize those rights); the right to an effective remedy in the appropriate forum (disputes in the human rights domain should not be adjudicated by investment or trade bodies but by appropriate human rights forums); and the right of affected individuals and groups to participate in

the planning and implementation of the agreements concluded and in seeking redress for violations (the participation of women in those processes was particularly important).

16. Only recently had the United Nations human rights system begun to take note of the potential impact of the MAI on the exercise of economic, social and cultural rights. At its most recent session, in May 1998, the Committee on Economic, Social and Cultural Rights had called for a study of that impact. He referred to the pioneering work done by the Sub-Commission with its studies on the realization of economic, social and cultural rights, and commended in particular the working document on the adverse impact of the activities of transnational corporations on their implementation and the idea of a social forum on income distribution and human rights. Habitat International Coalition believed it was vital that the Sub-Commission should continue to play a leadership role in forcefully asserting the primacy of human rights. The Sub-Commission's expertise made it the human rights body in the best position to study the human rights impact of the MAI, to ensure that future negotiations on the MAI and analogous agreements took place within a human rights framework and to analyse the human rights dimensions of international trade and finance activities. The global economy urgently needed to be guided by the principles inherent in the international human rights regime. Such guidance was of vital importance to the revival of the overall leadership role of the United Nations and to the consolidation of peace and justice throughout the world.

17. Mr. HADJAR (Movement against Racism and for Friendship among Peoples - MRAP) drew the Sub-Commission's attention to the looting of Indonesia's natural resources by multinational corporations and corrupt politicians. Indonesia, with its extensive oil, natural gas, gold and wood resources and inexpensive labour, had first been purged of everyone who opposed the military and multinational corporations as far back as 1965. International financial institutions and the Governments of democratic countries had then hastened to pave the way for the multinationals' entry by creating an aid consortium for Indonesia. The consortium, over which Indonesians had no control whatever, allocated billions of dollars a year in loans for the construction of infrastructure and the purchase of weapons intended to prevent opposition from the indigenous peoples who were the legitimate owners of the land on which the mines and tropical forests were located.

18. Some of the looters were Indonesians. Rare were the Indonesian politicians who were not implicated in the widespread system of nepotism, corruption and collusion (dubbed the "NKK" by Indonesian students). In 1997, according to Forbes magazine, General Suharto was the richest dictator in the world. President Habibie's family owned the island of Batam, and had driven out its indigenous population. Despite protests against such looting, the World Bank, the IMF and the donor countries had turned a blind eye to cases of corrupt practices - which were common knowledge - political assassinations, torture and disappearances of opposition members: the profits were too attractive. With the Indonesian economy in a state of bankruptcy - largely because of them - they expressed concern about the "NKK" but continued to support those in power, the very ones who had been systematically looting Indonesia not so long before. Companies such as Freeport, Total and others continued to plunder the wealth of the Papua New Guineans and the inhabitants

of the island of Borneo. And other companies would join them, as nothing had been done to bring the multinationals under Indonesian control. MRAP emphasized the need to guarantee the Indonesian people's right to development.

19. Ms. DAES, referring to agenda item 3, said that relevant measures taken by the appropriate bodies of the United Nations system and by some countries to combat racism and racial discrimination had not prevented an alarming increase in manifestations of racism and racial discrimination. The report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (E/CN.4/1998/79), the report of the Secretary-General on the seminar on immigration, racism and racial discrimination (E/CN.4/1998/77/Add.1) and the joint working paper on article 7 of the International Convention on the Elimination of All Forms of Racial Discrimination (E/CN.4/Sub.2/1998/4) all contained conclusions and recommendations which required urgent implementation. She stressed in particular the importance of action taken at the international level to encourage further studies on related topics, including research on the use of the Internet for purposes of racist propaganda and the need to draw up a programme of human rights education over the Internet. The preparatory measures for convening a world conference against racism, racial discrimination, xenophobia and related intolerance should be completed as soon as possible. She hoped that the concept of xenophobia would be replaced, in practice, by the concept of xenophilia, or friendship towards foreigners.

20. Turning to agenda item 4, she commended Mr. Guissé for his excellent paper on the right of access of everyone to drinking water supply and sanitation services (E/CN.4/Sub.2/1998/7); she was in favour of a study on the question. She also thanked Mr. Bengoa for his final report on the relationship between the enjoyment of human rights, in particular economic, social and cultural rights, and income distribution (E/CN.4/Sub.2/1997/9), and the addendum to the report (E/CN.4/Sub.2/1998/8). She noted in that connection that the developing countries continued to face serious difficulties in participating in the globalization process. The present international economic order prevented a great number of less-developed countries from establishing an economic, social and cultural environment conducive to the effective protection of human rights. The international financial institutions had an important role to play in the economy, and they had a duty to participate in the effort for integral development. She reiterated that human rights were universal, indivisible and interdependent. A strategy for the effective implementation of the right to development should be elaborated by all competent bodies and organs of the United Nations system.

21. Lastly, she congratulated Mr. Eide on his report updating the study on the right to food (E/CN.4/Sub.2/1998/9) and Mr. Mehedi on his working paper on the realization of the right to education (E/CN.4/Sub.2/1998/10), whose conclusions she supported, and thanked the representative of UNESCO for her contribution to the debate.

22. Ms. GIRMA (African Association of Education for Development - AFASED) said that economic, social and cultural rights, which had been solemnly ratified by many countries, should, as Mr. Bengoa stated in his report (E/CN.4/Sub.2/1998/8), constitute the set of basic rights which determined the limits of globalization.

23. Transnational corporations, which were present in all the vital sectors of national economies, were in a position to block any moves towards respect for and protection of human rights. Care must be taken to ensure that transnational corporations did not weaken the role of the State to the point where it was incapable of protecting its people. As stated in Mr. Guissé's report (E/CN.4/Sub.2/1998/6), they could and must participate, while abiding by the rules, in the economic development of the States where they were located and in whose economies they operated.

24. It was also necessary to curb the impunity enjoyed by those who dumped toxic waste in the Third World and to ensure the right of everyone to drinking water supply and sanitation services, especially in Africa. In Africa, women bore the heavy burden of carrying water over long distances. Young girls often had to drop out of school in order to fetch water and perform other household chores. The working groups to be established on economic, social and cultural rights should take such factors into consideration.

25. AFASED believed that much could be done to promote economic, social and cultural rights if the Commission gave serious consideration to the studies on poverty, education, the right to food and impunity. The social forum proposed by Mr. Bengoa raised high expectations.

26. Ms. BIRD (International Confederation of Free Trade Unions - ICFTU) said that ILO Convention No. 87 concerning freedom of association and article 23 of the Universal Declaration of Human Rights, which stated that everyone had the right to form and to join trade unions for the protection of his interests, were violated with increasing frequency, as indicated by the growing number of trade unionists who were dismissed, arrested, imprisoned or even murdered. In Latin America, repression was the answer to workers who opposed neoliberal policies. In Colombia, 156 activists had been murdered in 1997. She hoped that the recent establishment of the Permanent Assembly for Peace, in which ICFTU was playing a major role through its affiliates CUT and CTC, would help to bring democracy and peace to Colombia.

27. The Export Processing Zones being established in the developing countries were almost always union-free. The trade union organizations were not sufficiently involved in the structural adjustment programmes, yet austerity plans could not be successful without worker support.

28. The fall of the Asian economies had been proof that, without real democracy and social justice, the capitalist model would inevitably undergo a crisis. Mention should also be made of the brutal repression of the workers' movement in Burma. In Central and Eastern Europe the wages of workers remained unpaid, often for months on end. In Western Europe, the employers' association was still refusing to accept a European Union law mandating negotiation with workers' unions on issues such as redundancies, production, sales and disposal of subsidies.

29. ICFTU's response to globalization was to campaign for a workers' rights clause to be incorporated in all trade agreements. In that connection it was pleased to note that, during the World Trade Organization's Ministerial Conference held in Geneva in May 1998, world leaders such as Clinton, Blair and Mandela had called on WTO to include the labour standards issue in its

work. ICFTU also asked for the observance of minimum labour standards, including freedom of association, the right to collective bargaining, minimum age for employment, prohibition of discrimination, equal remuneration and prohibition of forced labour.

30. ICFTU shared Mr. Guissé's analysis of the transnational corporations and endorsed his proposal that a working group on the question should be established. It also endorsed Mr. Bengoa's proposal for the establishment of a social forum. ICFTU would continue its cooperation with the International Labour Organization, a forum where workers could fully express their views.

31. Mr. MASOOD (World Muslim Congress) said that for the past 50 years the people of Indian-occupied Jammu and Kashmir had been deprived of the full enjoyment of their economic, social and cultural rights and their right to development. The wealth of Kashmir was shamelessly plundered by India, and Kashmir's economy, including the legendary carpet industry, was a shambles. Jobs and economic incentives were conditional on allegiance to the occupying Power.

32. Every effort had been made to ensure that Kashmiris remained a backward and deprived people, and they had watched with growing frustration as, year after year, the international community did nothing concrete to relieve their misery. The World Muslim Congress called on the Sub-Commission and other human rights bodies to ask the occupying Power to ensure that the Kashmiri people were granted all their rights, including the right to development.

33. Ms. SHARFELDDIN (International Organization for the Elimination of All Forms of Racial Discrimination - EAFORD) said that peoples who had attained a high level of scientific and technological development generally looked condescendingly upon peoples of less advanced nations, and did everything they could to preserve their advantages, often in insidious ways. The major disparity between West and East, North and South, reflected that attitude.

34. The general sense of injustice and oppression had led some groups to migrate to the developed world and others to commit acts of violence and terrorism which had led to the death of innocent victims, as had recently occurred in East Africa. Any wise person realized that those tragedies would recur as long as the United States of America continued its tyranny against the innocent people of Libya, Iraq and Sudan.

35. It was useless to focus on the racial, religious and ethnic symptoms alone; efforts should be directed at resolving the root cause of those problems, namely underdevelopment. The developing world needed neither food, which would be eaten by the strongest, nor arms, which the tyrants would use against the weaker, but the means to develop and progress. The best means to that end was education. Thus the first step to be taken was to construct schools, educational establishments and universities. The developed countries and the former colonial Powers had a duty to participate in those efforts.

36. EAFORD was in favour of the adoption of a recommendation or resolution concerning the super-Powers' obligation to abide by the decisions of the International Court of Justice.

37. Ms. AVELIA (Women's International Democratic Federation) said that the transnational corporations were seeking to impose neoliberalism on the entire world with the complicity of numerous Governments, which were challenging workers' hard-won rights. Harsh repression was the lot of trade unionists who often paid with their lives for defending trade-union rights. In that context, women were the main victims of violations of economic, social and cultural rights. Poverty was being feminized in several regions of the world.

38. In Afghanistan, the Taliban had deprived women of all their rights, in particular the right to work, with the result that all those who had lost their husbands in the conflict and had no other way of meeting their children's needs were reduced to begging. In many Muslim countries a woman could not work without the permission of her husband, father or brother.

39. In the duty-free export zones - territories which had been sacrificed to corporate capital - there were no labour laws to curb the exploitation of workers, the majority of whom were women. Some industries used chemical products that were extremely harmful to health, and in Colombia, for example, near Bogotá, products used in cultivating flowers caused congenital malformations and could in a few years cause the deaths of the children and women employed.

40. Women heading families were subjected to many abuses, especially in rural areas where there was no social welfare system to protect them and after working an entire lifetime, they received no retirement pensions. Motherhood, which should be regarded as a contribution to society, was in fact a serious handicap for women. Because of the insufficient number of day nurseries and child-minding services, women were often forced to remain at home and could not take a paying job.

41. In conclusion, she expressed the hope that women, who were not a minority as certain studies described them, accounting for over 50 per cent of the world's population, should be entitled to the complete enjoyment of all their rights.

42. Mr. MAHMOUD (Observer for the Sudan) said that globalization had so far done nothing but widen the gap between the developed and developing countries. It was high time for the international community to engage in a serious analysis of the dangers of globalization for developing countries, which considered the right to development to be sacred and refused to be sacrificed on the altar of liberalization. The economic crisis in East and South Asia showed that globalization did not bring only benefits.

43. In resolution 1998/11, entitled "Human rights and unilateral coercive measures", the Commission on Human Rights rejected the application of such measures as tools for political or economic pressure against any country, particularly against developing countries, because of their negative effects on the realization of all human rights of vast sectors of their populations, inter alia children, women and the elderly. The Sudan, especially southern Sudan, was paying the price of such measures: thousands of innocent people were threatened with famine.

44. His delegation called on the Sub-Commission to take note of the negative effects on the Sudan of the unjust embargo, which was a violation of international law and of the Charter of the United Nations. He concluded by reaffirming his Government's willingness to better the lives of its people and to cooperate with the international community to realize that goal.

45. Ms. AL-HAJJAJI (Observer for the Libyan Arab Jamahiriya) said that the unjust economic sanctions imposed on some countries, to disastrous effect, were one of the major obstacles to development. Despite the iniquitous coercive measures ordered by the United Nations Security Council against the Libyan Arab Jamahiriya for more than six years, the Government was doing everything in its power to enable the country to progress towards development and to help the people to realize their right to development, whose universal, inalienable nature not admitting of derogation must be respected by the international community.

46. More specifically, since the 1980s specialists had been drawing attention to the problem of water resources in North Africa and the conflicts to which it could give rise. Years earlier President Qaddafi of the Libyan Arab Jamahiriya had warned of attempts being made to monopolize water resources in the Middle East. Nevertheless, the problem of water resources was being resolved in the Libyan Arab Jamahiriya. As oil drilling at the beginning of the 1960s had indicated the existence of immense groundwater reserves, an extensive artificial river project had been designed for supplying water to the coastal area. Underground pipelines 4 metres in diameter carried groundwater to huge tanks and then distributed it equitably according to need. The project's objectives were to supply water to the coastal area, make new areas suitable for crop-growing, provide the people with fresh water and appropriate food, develop light industry and industrial production in general, revive villages and cities, encourage the people to stay in their villages, create jobs and avoid an increase in unemployment when the country's oil reserves declined and improve the people's standard of living. The project was an ideal solution for all the drought-threatened countries of the Saharan region, as they were using immense water reserves not subject to the drought cycle and as the course of the artificial river could not be diverted.

47. Ms. PEREZ DUARTE (Observer for Mexico) said that the right to education was enshrined in the Mexican Constitution and legislation and that, in the previous decade, the strengthening of the rule of law and democratic progress had made it possible to incorporate a human rights culture into the Mexican educational system. To that end, teaching, information and training methods had been developed with assistance from the National Human Rights Commission and the various State human rights commissions, concerned agencies, NGOs and international agencies such as UNICEF, UNESCO and UNIFEM. There were nearly 200,000 schools, approximately 28 million pupils and 1 million teachers in Mexico. In 1997, 125 million primary school textbooks had been provided free of charge. Also in 1997, the National Human Rights Commission had organized human rights training courses and workshops in which over 8,000 officials and nearly 9,000 individuals representing vulnerable groups had participated. Information about human rights had been provided to nearly 13,000 people through the schools and over 37,000 people outside the school context.

Several universities taught human rights as a separate subject and law students' training included a human rights component designed by UNESCO.

48. In fulfilment of its international commitments, the Mexican Government conducted certain priority activities in the field of education, for example, to familiarize children with the electoral system, to promote education for women and girls and to meet the special needs of disabled children and the children of migrant workers. Educational activities for the indigenous population reflected a dual approach: indigenous groups were provided with education adapted to their specific needs, while at the same time efforts were made to increase the non-indigenous population's understanding of the situation, problems and contributions of indigenous communities. At present some 40,000 teachers were providing bilingual and bicultural pre-school and primary education for 930,000 indigenous children. Textbooks were available free of charge in 52 languages for the first primary school cycle and 18 new textbooks were being prepared for the second cycle, with assistance from UNESCO. Thus the principle of teaching in a common language, Spanish, for all Mexican citizens, did not undermine indigenous languages in any way.

49. Despite a perfectly orchestrated partisan political campaign designed to distort reality and deny the Mexican Government's achievements, the progress made, in education as in human rights in general, was self-evident.

Statements in exercise of the right of reply

50. Mr. DO NASCIMENTO PEDRO (Observer for Brazil) said that, at the previous meeting, the non-governmental organization Franciscans International had referred to certain aspects of the situation in his country, to which he would like to revert. The NGO in question had presented figures that were exaggerated and incorrectly interpreted. The Brazilian Government, far from derogating from its international commitments and remaining idle, was making every effort to protect and promote human rights at the national, regional and international level, and did not try to conceal its problems.

51. The agrarian reform to which the NGO in question had referred was part of a structured government programme, although some problems did exist with regard to administrative decentralization and financing of the programme. However, an area representing nearly 10 per cent of the Brazilian territory had already been restructured as part of the agrarian reform, whose budget for the current four-year period was $7 billion. Concerning violence in the rural areas - another point raised by Franciscans International - he said that human rights violations in those areas were on the decline and that the police officers involved in the violations would no longer be tried by military courts. He was prepared to transmit information to the NGO in question.

52. Mr. QASI (Observer for Pakistan) said it was regrettable that NGOs acting on behalf of India had made certain statements that introduced an element of confusion over the Kashmir question. Those NGOs would do better to concern themselves with certain disastrous aspects of the situation in India, where it was common knowledge that people were found dead in the street every morning and where large numbers of people lived in extreme poverty and did not even have access to water. They would do better to concentrate on human rights violations in Kashmir by the Indian armed forces, which burned and

destroyed houses, schools, shops and harvests. An American human rights defender who had recently visited Kashmir reported seeing several patients in a hospital die simply because Indian soldiers refused to allow the staff to treat them. Such were the real problems that arose in India and the areas it was occupying.

53. Mr. OSAH (Observer for Nigeria) said that at a previous meeting, two NGOs, one of which was the Transnational Radical Party, had reported large-scale human rights violations by the Nigerian Government and maintained that oil drilling in Nigeria was damaging the environment. Although he did not consider himself to be a spokesman for Shell, he would like to emphasize that Shell was aware of its responsibilities and that it had contributed to the development of the Ogoni community. The Nigerian authorities, for their part, saw to it that the oil companies observed rules which the authorities had drawn up on their behalf. In particular, 13.5 per cent of oil revenue had to be used for the development of the areas concerned.

54. In the political sphere, the Nigerian head of State had recently held consultations with all the parties concerned with a view to promoting respect for human rights. As part of the democratic process under way, the five existing political parties had been dissolved and a new electoral commission established. The Ogoni community's right to difference was respected and the positive process under way could be observed on the spot by representatives of the international community and of NGOs. In Nigeria, all population groups and the Government had decided to leave the past behind them and forge ahead.

55. The CHAIRMAN said that the Sub-Commission had concluded its consideration of agenda item 4.

THE IMPLEMENTATION OF THE HUMAN RIGHTS OF WOMEN:

(a) TRADITIONAL PRACTICES AFFECTING THE HEALTH OF WOMEN AND THE GIRL CHILD;

(b) THE ROLE AND EQUAL PARTICIPATION OF WOMEN IN DEVELOPMENT

(agenda item 5) (E/CN.4/Sub.2/1998/11, A/52/38/Rev.1, E/1998/27-E/CN.6/1998/12)

56. Ms. WARZAZI (Special Rapporteur), introducing her second report on the situation regarding the elimination of traditional practices affecting the health of women and the girl child (E/CN.4/Sub.2/1998/11), said that the progress made since 1985 gave grounds for optimism, despite the hesitation and delays in implementing the Plan of Action for the elimination of such practices. Seven Governments, namely, those of Guatemala, the United Kingdom, Israel, Qatar, Mexico, Finland and Portugal, had communicated information on the implementation of the Plan of Action, but too many of the Governments concerned remained silent, either because they were not really aware of the problem, or because they had decided to ignore it. She had therefore had to use her own sources of information to assess the situation, and she hoped that efforts to increase awareness and to provide support to victims made by the NGOs, women's organizations and other concerned parties - even those far from Africa, such as the NGO Japanese Women's Action against FGM - would not be

jeopardized because of lack of financial resources. She was thinking in particular of the Inter-African Committee on Traditional Practices Affecting Women's and Children's Health.

57. Among the encouraging progress achieved, she cited the decision of the Egyptian Council of State in December 1997, condemning female circumcision and stating that nothing in the Koran authorized it. In July 1998 the Government of Gambia had organized, jointly with the Inter-African Committee, a symposium for religious leaders and legal personnel which had culminated in the adoption of a declaration to the effect that neither Islam nor Christianity authorized the destruction of any healthy body organ, for whatever reason. It was also interesting to note that the question of sexual mutilation and Islam had been the subject of an article in the Revue universelle des droits de l'homme (vols. 9-12, December 1997), which had concluded that excision was based on customs which had undoubtedly existed prior to Islam, but which most of the leaders in the countries concerned had so far not really wished to see ended. She hoped that that conclusion would lead those Governments which had not done so to speak out. Senegal, for its part, had recently adopted a law prohibiting female genital mutilation. In Kenya, an American NGO, Program for Appropriate Technology, and the National Women's Group of Kenya had managed to convince a small rural community to agree to participate in a new rite, "circumcision through words", in which girls were isolated for a week and trained for their future roles as women and citizens, with festivities marking the end of their initiation. Thus they were not only integrated into their society without mutilation but also provided with valuable information. A growing number of rural Kenyan families appeared to be adopting that approach, which proved that, with patient dialogue and material and financial resources, attitudes could be changed. The lengthening of women's necks as practised in a village in Thailand could also be eliminated if the inhabitants of the village could be provided with a source of income other than tourism based on curiosity.

58. Concerning infanticide, according to two reports which were to have been published in a medical journal in the United States in late 1997, doctors in that country had for years carelessly included numerous cases of child abuse and infanticide in the category of sudden infant death syndrome. The authorities of that country should take that information into consideration.

59. In conclusion, she said that, unfortunately she had received no secretariat support in studying a problem that was as, if not more, important than subjects dealt with by other rapporteurs. Yet it would not be impossible or costly to contact, for example, the representatives of UNICEF, WHO, UNDP and other reliable sources of information. Neither was it impossible to assign a competent staff member the full-time task of collecting all information on the question which might be useful to the Sub-Commission. On the other hand, it was inconceivable that a Special Rapporteur should have to take care of everything and defray costs which, unfortunately, did not even permit her to do a thorough job. Many of her colleagues were facing the same problem. The Sub-Commission must react to that situation.

The meeting rose at 1 p.m.